

**Remarks/Arguments**

The specification has been amended to include section headings. The Abstract has also been amended to omit legal phraseology. Likewise, the claims have been amended to more clearly reflect the invention. Even in light of these amendments, no new matter has been added. It would be appreciated if the Examiner would indicate the acceptance of this amendment in the next office communication.

Specification

The Examiner has objected to the specification because it did not contain section headings. Accordingly, the specification has been amended to include section headings, and thus, withdrawal of this objection is respectfully requested.

The Examiner has also objected to the Abstract because it included legal phraseology. In response, the Abstract has been amended to omit all legal phraseology, and withdrawal of this objection is likewise submitted.

Claim Objections

The Examiner objected to claims 1, 3, 4, 5, and 9 because the claimed ranges were indefinite. Accordingly, these claims

Appl. No. 10/527,688

have been amended to clearly set forth the claimed ranges, and withdrawal of the objection to these claims is respectfully requested.

Claim Rejections - 35 USC § 103

The Examiner has rejected claims 1-3 and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Tamura et al. (US 3,874,819). The Examiner has also rejected claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over Tamura when further considered in view of Kaplan (US 1,509,653). According to the Examiner, neither Tamura nor Kaplan explicitly teach the claimed range of values of an angle between a linear speed of progress of a blade and a median line of the blade at a level of a trailing edge of the blade in a vicinity of a point of attachment of the blade to a band. Stated otherwise, the angle is between a direction (U) defined by a linear tangential component in the direction of rotation of the blades of the runner and a straight line extending at the trailing edge of each blade from an imaginary curved median line extending from a leading edge to a trailing edge and spaced equidistant lateral faces thereof. However, the Examiner further states that it is not inventive to discover optimum or workable ranges of the claimed angles as this could be done by routine experimentation.

However, since the claimed ranges are critical, as discussed below, withdrawal of this rejection is respectfully requested.

As set forth in the Manual for Patent Examination and Procedure, differences in prior art conditions will generally not support the patentability of subject matter encompassed by the prior art *unless there is evidence indicating such conditions are critical*. In this case, the claimed range of values of an angle between a linear speed of progress of a blade, currently claimed as a direction (U) of a tangent line of a direction of rotation of the runner, and a median line of the blade at a trailing edge of the blade in a vicinity of a point of attachment of the blade to a band, is critical to the present invention. As set forth in the specification, "the orientation of the trailing edge of the blades with respect to their linear direction of progress is sufficiently important for a considerable flowrate of liquid to be able to transit via the runner, this making it possible to attain power values notably higher than those known in the machines of the state of the art, without degrading the efficiency of the machine." Thus, the claimed ranges are not merely representative of optimal conditions, but rather are necessary to achieve unexpected results, namely high power values without lowering efficiency. Since the claimed ranges are critical to the nature of the invention, withdrawal of this

Appl. No. 10/527,688

rejection is respectfully requested.

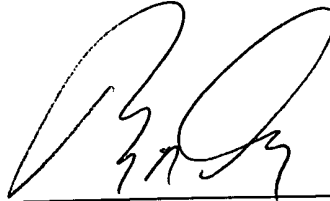
It is not believed that any further discussion of the prior art references is necessary as the Examiner has already noted that they do not teach or suggest the critical angle taught and claimed with respect to defining the inventive characteristics of the runner and blades of the present invention.

In view of the foregoing, reconsideration of the 35 U.S.C. § 103(a) rejection is respectfully requested and favorable consideration and allowance of the claims solicited. Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating prosecution of this application and for scheduling an interview before taking any action that may be considered final.

Appl. No. 10/527,688

Respectfully submitted,

DOWELL & DOWELL, P.C.

A handwritten signature in black ink, appearing to be 'R. A. Dowell', written over a horizontal line.

By

Ralph A. Dowell, Reg. No. 26,868

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